

EXTENSIONS OF REMARKS

INTRODUCTION OF THE FAIR PAY ACT OF 2013

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2013

Ms. NORTON. Mr. Speaker, the 1963 Equal Pay Act (EPA), the first of the great civil rights statutes of the 1960s, was successful for close to 20 years, but it is too creaky with age to be useful today. It is long past time to amend the EPA to reflect the new workforce, which women work almost as much as men. Every Congress, Representative ROSA DELAURIO and I, along with scores of other members of Congress, introduce the Paycheck Fairness Act, to amend the EPA to make its basic procedures equal to those used in other anti-discrimination statutes. I was an original co-sponsor of, and attended the signing ceremony at the White House for, the 2009 Lilly Ledbetter Fair Pay Act, which further strengthens the EPA by restoring its original interpretation. However, the Fair Pay Act of 2013 (FPA), which Senator TOM HARKIN, and I have also introduced in prior Congresses, picks up where the EPA and the Lilly Ledbetter Act leave off by taking on workplace gender discrimination in which gender-influenced wages leave the average female worker without any remedy. I have long pressed for passage of the Paycheck Fairness Act and the FPA, based on my own experience as the first female chair of the Equal Employment Opportunity Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes under the EEOC's jurisdiction as part of a historic reorganization. My colleague Senator HARKIN, who is retiring at the end of this Congress, has also worked tirelessly on the FPA. He has always been a great friend of equality. Senator HARKIN's work on the Americans with Disabilities Act is a landmark of his service and the Senator has brought the same zeal to issues facing women in the workplace.

Along with my indispensable Senate partner, TOM HARKIN, I again introduce the FPA on behalf of the average female worker, who is often first steered to, and then locked into, jobs with wages that are deeply influenced by the gender of those who have traditionally held such jobs. Much of the wage inequality women experience today is because of employer-steering and because of deeply rooted wage stereotypes, which result in wages being paid by gender and not according to the skills and efforts necessary to do the job. I introduce the FPA because the pay disparity most women face today stems mainly from the segregating of women and men in different jobs. Two-thirds of white women and three quarters of African-American women work in just three areas: sales/clerical, service and factories. We need more aggressive strategies to break through the societal habits present throughout history, the world over, as well as employer-steering based on gender, which is as old as paid employment itself.

The FPA requires that if men and women are doing comparable work, they are to be paid comparable wages. If a woman, for example, is an emergency services operator, a female-dominated profession, she should not be paid less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should not earn less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the legal burden. Under the FPA, as under the EPA, the burden will be on the plaintiff to prove discrimination. The plaintiff must show that the reason for the disparate treatment is gender discrimination, not legitimate market factors.

Corrections to achieve comparable pay for men and women are not radical or unprecedented. State governments, in red and blue states alike, have demonstrated with their own employees that they can eliminate the part of the pay gap that is due to discrimination. Twenty states have adjusted wages for female-dominated professions, raising pay for teachers, nurses, clerical workers, librarians, and other female dominated-jobs that paid less than comparable male-dominated jobs. Minnesota, for example, implemented a pay equity plan when it found that traditionally female jobs paid 20 percent less than comparable traditionally male jobs. There may well be some portion of a gender wage gap that is traceable to market factors, but twenty states have shown that you can tackle the gender discrimination-based wage gap without interfering in the market system. The states generally have closed the wage gap over a period of four to five years at a one-time cost of no more than three to four percent of payroll.

In addition, many female workers routinely achieve pay equity through collective bargaining, and countless employers provide it on their own as they see women shifting out of vital female-dominated occupations as a result of the shortage of skilled workers, as well as because of the unfairness to women. Unequal pay has been built into the way women have been treated since Adam and Eve. To dislodge such deep-seated and pervasive treatment, we must go to the source, the traditionally female occupations, where pay is linked with gender and always has been.

The best case for a strong and updated EPA, with at least the Paycheck Fairness Act, occurred here in the Congress in 2003, when female custodians in the House and Senate won an EPA case after showing that female workers were paid a dollar less for doing the same or similar work as men. Had these women not been represented by their union, they would have had an almost impossible task of using the rules for bringing and sustaining an EPA class action suit. The FPA simply modernizes the EPA to bring it in line with subsequent civil rights statutes. From my tenure as EEOC chair, I know all too well the

several ways that this historic legislation needs a 21st century makeover.

Let us start with the Paycheck Fairness Act, so we can be prepared to go further with the FPA, which we introduce today. Let us start now to make the pay worthy of the American women we have asked to go to work.

IN RECOGNITION OF MR. OMER D. SIMMS

HON. MICHAEL C. BURGESS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2013

Mr. BURGESS. Mr. Speaker, I rise today to honor one of the fallen crewmembers of the Essex-class carrier U.S.S. *Franklin*, Mr. Omer D. Simms, a Seaman First Class.

On March 19, 1945, the U.S.S. *Franklin* was instantly hit by a Japanese bomb that killed, wounded, and trapped many crew members on board. Mr. Simms, one of the confined men, heroically put his comrades' life before his own by creating a hatch for them escape. Letting the twelve other men go before him, Mr. Simms never made it to safety. Instead, he tragically lost his life on the U.S.S. *Franklin* from a second bomb that hit the ship while the other crewmembers' lives were saved.

I am proud to honor Mr. Omer D. Simms' service aboard the U.S.S. *Franklin* and the ultimate sacrifice he made for this country.

IN HONOR OF JAMES J. SWEENEY

HON. PATRICK MEEHAN

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 29, 2013

Mr. MEEHAN. Mr. Speaker, today I rise to honor James J. Sweeney of Havertown, Pennsylvania. Mr. Sweeney entered the United States Navy after graduating from high school in 1943, and served aboard the USS *Hancock*. The *Hancock* took part in some of World War II's most pivotal battles, including the invasions of the Philippines, Iwo Jima, and Okinawa. Mr. Sweeney was honored for his heroic service and awarded the Philippines Liberation Medal, 5 Battles Stars and a Presidential Unit Commendation.

It was during his time in the Navy that Mr. Sweeney befriended his shipmate, John Finn. Lt. Finn received the Medal of Honor for his heroic actions at Pearl Harbor. During the Japanese surprise attack, Lt. Finn manned his machine gun and fought off the Japanese Zeros for 2½ hours even as he took an onslaught of bullets and shrapnel. And for the past 9 years, James Sweeney has tirelessly worked to honor Lt. John Finn, who passed away in 2009. On February 15, 2011, those efforts proved successful as the Navy announced that a new guided missile destroyer will be named the USS *John Finn*.

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